N.B. OFFICE OF THE ATTORNEY GENERAL

NO REPORT WAS PREPARED FOR 1988.

THE 1989 ANNUAL REPORT TO THE HONOURABLE GILBERT FINN LIEUTENANT-GOVERNOR OF NEW BRUNSWICK

AS

REQUIRED BY THE CRIMINAL CODE OF CANADA

SECTION 195

(PROTECTION OF PRIVACY ACT)

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TO: The Honourable Gilbert Finn

Lieutenant-Governor of New Brunswick

May it please Your Honour:

I have the pleasure to submit to your Honour the 1989 Annual Report which provides the information required by the Criminal Code of Canada (Section 195).

Respectfully submitted,

James E. Lockyer, Q.C.
Attorney General of New Brunswick

Attorney General of New Brunswick

Annual Report

Section 195 Criminal Code

This report covers the period January 1, 1989 to December 31, 1989.

Pursuant to Section 195(5), it is reported that:

(a) The list of designated agents who made applications in accordance with Section 185 and 186:

1. Graham J. Sleeth

2. Manu C. Patel

(b) The list of designated peace officers who made applications in accordance with Section 188:

Inspector A. Rivard

Section 195(2)

(a) THE NUMBER OF APPLICATIONS MADE FOR AUTHORIZATIONS:

(i)	185(1)(b)	3
(ii)	188(1)(b)	1

(b) THE NUMBER OF APPLICATIONS MADE FOR RENEWALS OF AUTHORIZATIONS

(i)	Under Section 186(6)	Nil

(c) THE NUMBER OF APPLICATIONS GRANTED:

(i)	Under Section 185(1)(b)	3
(ii)	Under Section 188(1)(b)	1
(iii)	Under Section 186(6)	Nil

THE NUMBER OF AUTHORIZATIONS REFUSED UNDER

(i)	185(1)(b)	Nil
(ii)	188(1)(b)	Nil
(iii)	186(6)	Nil

THE NUMBER OF APPLICATIONS GRANTED WITH TERMS AND CONDITIONS:

(i)	185(1)(b)	Nil
(ii)	188(1)(b)	Nil
(iii)	186(6)	Nil

(d) THE NUMBER OF PERSONS IDENTIFIED IN AN AUTHORIZATION AGAINST WHOM PROCEEDINGS WERE COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK IN RESPECT OF:

(i)	an offence specified in the authorization	3
(ii)	an offence other than an offence specified in an authorization but in respect of which an authorization may be given	2
(iii)	an offence in respect of which an authorization may not be given	1

(e) THE NUMBER OF PERSONS NOT IDENTIFIED IN AN AUTHORIZATION AGAINST WHOM PROCEEDINGS WERE COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK IN RESPECT OF:

(i)	an offence specified in such an authorization	4
(ii)	an offence other than an offence specified in such an authorization but in respect of which an authorization may be given	1

(iii) an offence other than an offence specified in such an authorization for which no such authorization may be given 1

AND WHOSE COMMISSION OR ALLEGED COMMISSION OF THE OFFENCE BECAME KNOWN TO A PEACE OFFICER AS A RESULT OF AN INTERCEPTION OF A PRIVATE COMMUNICATION UNDER AN AUTHORIZATION:

(f) THE AVERAGE PERIOD FOR WHICH AUTHORIZATIONS WERE GIVEN AND FOR WHICH RENEWALS THEREOF WERE GRANTED:

(i)	185(1)(b)	60 days
(ii)	188(1)(b)	36 hours

(g) THE NUMBER OF AUTHORIZATIONS, BY VIRTUE OF ONE OR MORE RENEWALS THEREOF, WERE VALID:

(i)	for more than 60 days	Nil
(ii)	for more than 120 days	Nil
(iii)	for more than 180 days	Nil

(h) THE OFFENCES IN RESPECT OF WHICH AUTHORIZATIONS WERE GIVEN, SPECIFYING THE NUMBER OF AUTHORIZATIONS GIVEN IN RESPECT OF EACH SUCH OFFENCE:

Statute		Number
Criminal Code	235	1
	334(a)	1
	344	1
	348	3
	351	1
	354	3
	463	2
	465	1

(i) A DESCRIPTION OF ALL CLASSES OF PLACES SPECIFIED IN AUTHORIZATIONS AND THE NUMBER OF AUTHORIZATIONS IN WHICH EACH SUCH CLASS OF PLACE WAS SPECIFIED:

(i)	residence	4
(ii)	commercial premises	Nil
(iii)	vehicle	1
(iv)	other (holding cell)	1

(j) A GENERAL DESCRIPTION OF THE METHODS OF INTERCEPTION INVOLVED IN EACH INTERCEPTION UNDER AN AUTHORIZATION:

(i)	Tel. Comm.	12
(ii)	Audio (Oral)	5
(iii)	Other	Nil

(k) THE NUMBER OF PERSONS ARRESTED WHOSE IDENTITY BECAME KNOWN TO A PEACE OFFICER AS A RESULT OF AN INTERCEPTION UNDER AN AUTHORIZATION: 6

(l) THE NUMBER OF CRIMINAL PROCEEDINGS COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK IN WHICH PRIVATE COMMUNICATIONS OBTAINED BY INTERCEPTION UNDER AN AUTHORIZATION WERE ADDUCED IN EVIDENCE AND THE NUMBER OF SUCH PROCEEDINGS THAT RESULTED IN A CONVICTION:

(i)	Criminal Proceedings adduced in evidence	Nil
(ii)	Resultant Convictions	Nil

(m) THE NUMBER OF CRIMINAL INVESTIGATIONS IN WHICH INFORMATION OBTAINED AS A RESULT OF THE INTERCEPTION OF A PRIVATE COMMUNICATION UNDER AN AUTHORIZATION WAS USED ALTHOUGH THE PRIVATE COMMUNICATION WAS NOT ADDUCED IN EVIDENCE IN CRIMINAL PROCEEDINGS COMMENCED AT THE INSTANCE OF THE ATTORNEY GENERAL OF NEW BRUNSWICK AS A RESULT OF THE INVESTIGATIONS:

Intercepted information used but not adduced:
9 people charged with 74 offences, 7 convicted on 65 offences, 2 yet to appear in Court and the possibility of 2 more people being charged

(n) THE NUMBER OF NOTIFICATIONS GIVEN PURSUANT TO SECTION 196 17

(o) APPLICATION FOR AN EXTENDED PERIOD FOR NOTIFICATION SECTION 196(2) Nil

OTHER INFORMATION:

(a) THE NUMBER OF PROSECUTIONS COMMENCED AGAINST OFFICERS OR SERVANTS OF HER MAJESTY IN RIGHT OF CANADA OR MEMBERS OF THE CANADIAN FORCES FOR OFFENCES UNDER SECTION 184 OR SECTION 193 ..... Nil

(b) GENERAL ASSESSMENT OF THE IMPORTANCE OF INTERCEPTION OF PRIVATE COMMUNICATIONS FOR THE INVESTIGATION, DETECTION, PREVENTION AND PROSECUTION OF OFFENCES IN CANADA, AND MORE PARTICULARLY, IN THE PROVINCE OF NEW BRUNSWICK:

The use of electronic surveillance in New Brunswick continues to occur only after the use of conventional techniques in criminal investigations has been exhausted. When electronic surveillance has been resorted to, the results have been significant.

EXPLANATORY NOTES:

1. The reason why the number of methods of interception may exceed the number of places specified in the authorizations is that in some places, in addition to a telephone wiretap, there was installed an audio listening device inside a particular building, thereby accounting for two (2) methods of interception relating to that single place.

2. The screening procedure used by the Department continues to result in there being no authorizations refused by the Judiciary.